

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID B. NEWMAN and IRA F/B/O
DAVID NEWMAN-PERSHING LLC as
Custodian, on behalf of themselves and all
Others Similarly Situated, and Derivatively on
behalf of FM LOW VOLATILITY FUND, L.P.,

Plaintiffs,

v.

FAMILY MANAGEMENT CORPORATION,
SEYMOUR W. ZISES, ANDREA L. TESSLER,
ANDOVER ASSOCIATES LLC I, ANDOVER
ASSOCIATES MANAGEMENT CORP.,
BEACON ASSOCIATES LLC I, BEACON
ASSOCIATES MANAGEMENT CORP.,
JOEL DANZIGER, HARRIS MARKHOFF, IVY
ASSET MANAGEMENT CORP., THE BANK
OF NEW YORK MELLON CORPORATION,
MAXAM ABSOLUTE RETURN FUND, LP,
MAXAM CAPITAL GP, LLC, MAXAM
CAPITAL MANAGEMENT LLC,
MAXAM CAPITAL MANAGEMENT
LIMITED, SANDRA MANZKE, and
JOHN DOES 1-100,

Defendants,

and

FM LOW VOLATILITY FUND, L.P.,

Nominal Defendant.

08 Civ. 11215 (LBS)

CERTIFICATE OF SERVICE

I, Brian Maddox, hereby certify that on December 19, 2010, I caused the following documents to be electronically filed:

FM LOW VOLATILITY FUND, L.P.'S MEMORANDUM OF LAW IN OPPOSITION
OF PLAINTIFFS' MOTION TO ALTER OR AMEND THE JUDGMENT AND FOR LEAVE
TO AMEND THE COMPLAINT

with the Clerk of Court using the CM/ECF system, which will send notification of such filing electronically to registered counsel. Pursuant to that notification, a true and exact copy of the foregoing will also be mailed by Federal Express overnight delivery to any party or counsel not receiving electronic service from CM/ECF.

Dated: New York, New York
December 20, 2010

LAX & NEVILLE, LLP

By: /s/ Brian Maddox
Brian Maddox, Esq.
1412 Broadway, Suite 1407
New York, NY 10018
Tel: (212) 696-1999

*Attorneys for Nominal Defendant
FM Low Volatility Fund, L.P.*

To: All Counsel of Record